



ఆంధ్రప్రదేశ్ రాజ పత్రము
THE ANDHRA PRADESH GAZETTE
PUBLISHED BY AUTHORITY

PART V EXTRAORDINARY

No.5

AMARAVATI, WEDNESDAY, MARCH 23, 2022

G.1359

**STATUTORY NOTIFICATIONS OF THE ELECTION COMMISSION OF
INDIA AND OTHER ELECTION NOTIFICATIONS**

--X--

**NOTIFICATIONS BY GOVERNMENT
GENERAL ADMINISTRATION (ELECTIONS) DEPARTMENT**

--X--

**BYE-ELECTION TO 23-TIRUPATI (SC) PARLIAMENTARY CONSTITUENCY –
DISQUALIFICATION ORDER OF THE CONTESTING CANDIDATE – REPUBLISHED.**

[Memo. No.1356/Elecs.A/A1/2021-9, Office of the Chief Electoral Officer, Andhra Pradesh, Dated:22.03.2022]

The following Order of the Election Commission of India, New Delhi, No.76/AP-PC/Bye/23/2021/CEMS-II, dated 14th March, 2022 / 23rd Phalguna, 1943 (Saka) is re-published:-

ORDER

WHEREAS, the Bye-election to **23-Tirupati (SC)** Parliamentary Constituency of Andhra Pradesh, 2021 was held in pursuance of the Election Commission of India Notification No. 100/AP-HP/1/2021(1) dated 23th March, 2021; and

WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate at an election shall, within 30 days from the date of election of the returned candidate, lodge with the District Election Officer an account of his election expenses which shall be true copy of the account kept by him or his election agent under Section 77 of the said act; and

WHEREAS, the result of the Bye-election to **23-Tirupati (SC)** Parliamentary Constituency was declared by the Returning Officer on 02nd May, 2021 and hence the last date for lodging the account of Election Expenses was 01st June, 2021; and

WHEREAS, as per the report dated 18th August, 2021, under rule 89 of the Conduct of Elections Rules, 1961 submitted by the District Election Officer, **Sri Potti Sriramulu Nellore** District, Andhra Pradesh, **Sh. Gunday Punendar**, a contesting candidate in Bye-election to **23-Tirupati (SC)** Parliamentary Constituency of Andhra Pradesh, 2021 has failed to lodge account of election expenses, as required under law; and

WHEREAS, on the basis of the said report of the District Election Officer, a Show-Cause notice No. 76/AP-PC/Bye/23/2021/CEMS-II, dated 20th September, 2021 was issued under sub rule (5) of Rule 89 of the Conduct of Elections Rules, 1961 by the Election Commission of India to **Sh. Gunday Punendar**, for not lodging of account of Election Expenses; and

WHEREAS, through the above said Show Cause Notice and under sub rule (6) of Rule 89 of the Conduct of Elections Rules, 1961, **Sh. Gunday Punendar** was directed to submit representation in writing to the Commission explaining the reasons for not lodging the account and also to lodge account of election expenses with the District Election Officer. **Sri Potti Sriramulu Nellore** District within 20 days from the date of receipt of the notice; and

WHEREAS, the District Election Officer, **Sri Potti Sriramulu Nellore** District, has reported that the said notice was served to **Sh. Gunday Punendar** on **22.10.2021**; and

WHEREAS, the District Election Officer, **Sri Potti Sriramulu Nellore** in his supplementary report Rc.H 1.252/2021 dated 15.11.2021 reported that **Sh. Gunday Punendar**, has not submitted any representation or a statement of correct account of election expenses, duly signed along with original vouchers etc. Further, after receipt of the said notice, **Sh. Gunday Punendar** has neither furnished any reason nor explanation to the Election Commission of India, for failure to lodge the account as prescribed under law; and

WHEREAS, Section 10 A of the Representation of the People Act, 1951 provides that:-

“If the Election Commission is satisfied that a person-

(a) has failed to lodge an account of election expenses within the time and in the manner required by or under this Act, and

(b) has no good reason or justification for the failure,

the Election Commission shall, by order published in the Official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from the date of the order.

WHEREAS, on the basis of facts and available records, the Commission is satisfied that **Sh. Gunday Punendar** has failed to lodge account of election expenses and has no good reason or justification for the failure to do so; and

NOW, THEREFORE, in pursuance of Section 10A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Sh. Gunday Punendar**, resident of- H.No. Plot 2-5-34. Indira Nagar, Uppal, Medchal District, Telangana-500039 and a contesting candidate in **Bye-election to 23-Tirupati (SC) Parliamentary Constituency of Andhra Pradesh, 2021**, to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By order,

AVINASH KUMAR,
Principal Secretary,
Election Commission of India.

K.VIJAYANAND,
Chief Electoral Officer,
Andhra Pradesh.